



# **City of Vancouver** *Zoning and Development By-law*

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## CD-1 (460)

### *388 West 1st Avenue*

### *By-law No. 9573*

*(Being a By-law to Amend By-law 3575, being the Zoning and Development By-law)*

***Effective December 11, 2007***

*(Amended up to and including By-law No. 9674, dated June 24, 2008)*

1 *[Section 1 is not reprinted here. It contains a standard clause amending Schedule D (Zoning District Plan) to reflect this rezoning to CD-1.]*

2 Uses

2.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (460).

2.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (460) and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:

- (a) Dwelling Uses;
- (b) Institutional Uses, limited to Child Day Care Facility, Social Service Centre, Community Care Facility and Group Residence; [9674; 08 06 24]
- (c) Live-Work Use;
- (d) Accessory Uses customarily ancillary to the uses listed in this section 2.2; and
- (e) Interim Uses not listed in this section 2.2, and accessory uses customarily ancillary to them, if:
  - (i) the Director of Planning or Development Permit Board considers that the interim use will be compatible with and not adversely affect adjacent development that either exists or that this By-law allows,
  - (ii) the Director of Planning or Development Permit Board is satisfied that the interim use is easily removable and is of low intensity or low in capital investment,
  - (iii) the Director of Planning or Development Permit Board is satisfied that there is no risk to the public from contaminated soils either on or adjacent to CD-1 (460), and
  - (iv) any development permit for an interim use has a time limit of three years.

3 Conditions of use

3.1 Dwelling units are in an “intermediate zone” as defined in the Noise Control By-law, and, as a result, are subject to the noise levels permitted in industrial and downtown districts.

3.2 The design and lay-out of at least 22% of the dwelling units must:

- (a) be suitable for family housing;
- (b) include two or more bedrooms; and
- (c) comply with Council’s “High Density Housing for Families with Children Guidelines”.

3.3 Any development permit issued for live-work uses must stipulate as permitted uses:

- (a) dwelling units;
- (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and
- (c) dwelling unit combined with any uses set out in subsection (b).

4 Density

4.1 Computation of floor area must assume that the site consists of 1 683 m<sup>2</sup>, being the site size at the time of the application for the rezoning evidenced by this By-law, and before any dedications.

4.2 The floor space ratio for all uses, combined, must not exceed 3.5.

**Note:** *Information included in square brackets [ ] identifies the by-law numbers and dates for the amendments to By-law No. 9573 or provides an explanatory note.*

**4.3** Computation of floor space ratio must include:

- (a) all floors having a minimum ceiling height of 1.2 m, including earthen floor, both above and below ground, measured to the extreme outer limits of the building; and
- (b) stairways, fire escapes, elevator shafts, and other features which the Director of Planning considers similar, measured by their gross cross-sectional areas and included in the measurements for each floor at which they are located.

**4.4** Computation of floor space ratio must exclude:

- (a) open residential balconies or sundecks, and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, except that the total area of all exclusions must not exceed 8% of the residential floor area being provided;
- (b) patios and roof gardens, if the Director of Planning first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are at or below base surface, except that the maximum exclusion for a parking space must not exceed 7.3 m in length;
- (d) undeveloped floor area located above the highest storey or half-storey with a ceiling height of less than 1.2 m, and to which there is no permanent means of access other than a hatch;
- (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m<sup>2</sup> for a dwelling unit, there is to be no exclusion for any of the residential storage space above base surface for that unit;
- (f) amenity areas including day care facilities, recreation facilities, and meeting rooms except that the total area excluded must not exceed 1 000 m<sup>2</sup>; and
- (g) where a Building Envelope Professional as defined in the Building By-law has recommended exterior walls greater than 152 mm in thickness, the area of the walls exceeding 152 mm, but to a maximum exclusion of 152 mm thickness.

**4.5** Computation of floor space ratio may exclude, at the discretion of the Director of Planning or Development Permit Board:

- (a) enclosed residential balconies if the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council, and approves the design of any balcony enclosure, except that:
  - (i) the total area of all open and enclosed balcony or sundeck exclusions must not exceed 8% of the residential floor area being provided, and
  - (ii) enclosure of the excluded balcony floor area must not exceed 50%;
- (b) windows recessed into the building face to a depth of no more than 160 mm, except that the Director of Planning or Development Permit Board may allow a greater depth in cases where it improves building character;
- (c) unenclosed outdoor areas at grade level underneath building overhangs, if:
  - (i) the Director of Planning or Development Permit Board first considers all applicable policies and guidelines adopted by Council and approves the design of any overhangs, and
  - (ii) the area of all overhang exclusions does not exceed 1% of the residential floor area being provided;
- (d) passive solar appurtenances to reduce solar gain; and
- (e) structures such as pergolas, trellises, and tool sheds which support the use of intensive green roofs and urban agriculture.

**4.6** The use of floor space excluded under section 4.4 or 4.5 must not include any purpose other than that which justified the exclusion.

5 Building height

5.1 The building height, measured above base surface, must not exceed 21.3 m.

5.2 Section 10.11 of the Zoning and Development By-law is to apply to this By-law, except that if:

- (a) in the opinion of the Director of Planning or Development Permit Board, higher structures such as:
  - (i) elevator enclosures, lobbies, and stairwells that provide access for building occupants to rooftop common area,
  - (ii) guardrails that do not exceed the minimum height specified in the Building By-law, and
  - (iii) pergolas, trellises, and tool sheds that support the use of intensive green roofs and urban agriculture,

will not unduly harm the liveability and environmental quality of the surrounding neighbourhood; and

- (b) the Director of Planning or Development Permit Board first considers:
  - (i) all applicable policies and guidelines adopted by Council,
  - (ii) the submission of any advisory group, property owner, or tenant, and
  - (iii) the effects on public and private views, shadowing, privacy, and open spaces,

the Director of Planning or Development Permit Board may allow a greater height for any such structure.

6 Parking, loading, and bicycle spaces

Any development or use of the site requires the provision and maintenance, in accordance with the requirements of, and relaxations, exemptions and mixed use reductions in, the Parking By-law, of off-street parking spaces, loading spaces, and bicycle spaces, all as defined under the Parking By-law.

7 Acoustics

All development permit applications require evidence in the form of a report and recommendations prepared by a person trained in acoustics and current techniques of noise measurement, demonstrating that the noise levels in those portions of the dwelling units listed below do not exceed the noise level set opposite such portions. For the purposes of this section, the noise level is the A-weighted 24-hour equivalent (Leq) sound level and is defined simply as noise level in decibels.

<b>Portions of dwelling units</b>	<b>Noise levels (Decibels)</b>
bedrooms	35
living, dining, recreation rooms	40
kitchen, bathrooms, hallways	45

8 Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

9 *[Section 9 is not reprinted here. It contains a standard clause including the Mayor and City Clerk's signature to pass the by-law and certify the by-law number and date of enactment.]*

